



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

CASE #: OI-AR-2013-CAC-0072

CROSS REFERENCE #:

TITLE: COMPROMISE OF OECA COLDFUSION SERVER

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	RTP	

ALLEGATIONS: On February 8, 2013, Special Agent (b) (6), (b) (7)(C) United States Environmental Protection Agency (EPA), Office of Inspector General (OIG), Electronic Crimes Division (ECD), was notified by (b) (6), (b) (7)(C) EPA Computer Security Incident Response Center (CSIRC), Research Triangle Park (RTP), NC, of a compromised server managed, maintained, and sponsored by EPA's Office of Enforcement and Compliance Assurance (OECA). (b) (6), (b) (7)(C) reported CSIRC was notified by (b) (6), (b) (7)(C) who was notified by the FBI (NFI) that www.fedcenter.gov had potentially been compromised.

Agent's Comment: The U.S. Army Corps of Engineers has a contract with EPA OECA to manage the server.

INVESTIGATIVE FINDINGS/DISPOSITION: On February 21, 2013, open source reporting indicated members from the hacktivist group "Anonymous" claimed responsibility for the compromise. Anonymous claimed to have launched a distributed denial-of-service (DDoS) attack against the website, thus rendering the site inoperable.

On April 1, 2013, SA (b) (6), (b) (7)(C) coordinated with SA (b) (6), (b) (7)(C), U.S. Army Criminal Investigation Command (USACIDC), Computer Crimes Investigations Unit (CCIU), Quantico, VA, regarding the compromise of the EPA server. Based on the coordination, it was determined the individuals responsible for the DDoS attack against www.fedcenter.gov were the same individuals responsible for similar attacks being investigated by CCIU along with the Defense Criminal Investigative Service (DCIS), the Department of Health and Human Services (HHS) OIG, and the FBI.

CASE:
OI-AR-2013-CAC-0072

DATE OF ACTIVITY:

DRAFTED DATE:
August 26, 2019

AGENT(S):
SA (b) (6), (b) (7)(C)

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On October 23, 2013, a Grand Jury in the District of New Jersey indicted (b) (6), (b) (7)(C) on one count of Conspiracy to Defraud the United States and on one count of fraud and related activity in connection with computers in violation of 18 U.S.C. § 371 and 1030 respectively.

On October 25, 2013, law enforcement authorities in the United Kingdom, announced they arrested (b) (6), (b) (7)(C) who had be charged in New Jersey by federal complaint. Further, (b) (6), (b) (7)(C) was also charged in a criminal complaint in the Eastern District of Virginia with alleged conduct related to other intrusions.

On February 5, 2018, USACIDC CCIU was notified by the United States Department of Justice (USDOJ) that (b) (6), (b) (7)(C) will not be extradited to the U.S. on charges related to hacking into government computers.

This case is being closed with no further action.

CASE:
OI-AR-2013-CAC-0072

DATE OF ACTIVITY:

DRAFTED DATE:
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AGENT(S):
SA (b) (6), (b) (7)(C)

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1445 Ross Avenue, #1200
Dallas, Texas 75202

DATE: April 26, 2019

PREPARED BY:
Special Agent (b) (6), (b) (7)(C)

CASE #: OI-CI-2015-CFR-0055

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

[REDACTED]

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

VIOLATION(S):

18 U.S.C. 201 (B) (Bribery), 18 U.S.C. 201 (c) (Illegal Gratuities), and related offenses.

ALLEGATION:

On April 24, 2015, Special Agent (b) (6), (b) (7)(C) Environmental Protection Agency (EPA) Office of Inspector General (OIG) Office of Investigation (OI), received information from the EPA-OIG, Hotline, regarding Complaint Number 2015-210 (b) (6), (b) (7)(C), (b) (7)(D)

[REDACTED]

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(b) (6), (b) (7)(C), (b) (7)(D)

This investigation was initiated to determine whether (b) (6), (b) (7)(C) abused (b) (6), (b) (7)(C) official position as an EPA employee for personal gain.

FINDINGS:

On May 7, 2015, an OIG investigator interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) indicated several years ago, (b) (6), (b) (7)(C) attempted to hand carry an EPA contract solicitation package (on a compact disc) to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did not remember the month or year. (b) (6), (b) (7)(C) personally directed (b) (6), (b) (7)(C) to return the compact disc to EPA (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated there is no record of (b) (6), (b) (7)(C) being suspended.

On July 19, 2015, OIG investigators interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) assigned to the (b) (6), (b) (7)(C) Superfund site. (b) (6), (b) (7)(C) indicated (b) (6), (b) (7)(C) witnessed (b) (6), (b) (7)(C) truck stocked with a 10' to 12', or 12' to 16', piece of pipe, which was used on the site. (b) (6), (b) (7)(C) estimated the value of the pipe was between \$250.00 - \$750.00.

On July 30, 2015, OIG investigators interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) indicated (b) (6), (b) (7)(C) frequently expected free meals. (b) (6), (b) (7)(C) provided meal receipts for dinners that (b) (6), (b) (7)(C) paid for in the (b) (6), (b) (7)(C) area from November 2012 to November 2013, which only included (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) meal. The cumulative total for the meals was \$511.18. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had many interactions with (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) former capacity (b) (6), (b) (7)(C). During the summer of 2014, (b) (6), (b) (7)(C) observed (b) (6), (b) (7)(C) operating a (b) (6), (b) (7)(C) truck, which (b) (6), (b) (7)(C) described as (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) indicated (b) (6), (b) (7)(C) witnessed (b) (6), (b) (7)(C) throwing garbage into the (b) (6), (b) (7)(C). According to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) directed the garbage be filled over quickly due to the smell. (b) (6), (b) (7)(C) used (b) (6), (b) (7)(C) to haul and dispose of (b) (6), (b) (7)(C).

On February 18, 2016, an OIG investigator interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) related in early August or September 2015, (b) (6), (b) (7)(C) personally heard (b) (6), (b) (7)(C) reaction to (b) (6), (b) (7)(C) intent to file a protest after (b) (6), (b) (7)(C) learned about a new EPA contract award to competitor (b) (6), (b) (7)(C) in 2015. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) became very agitated and said (b) (6), (b) (7)(C) would shut down (b) (6), (b) (7)(C) work on the site for two days for every day (b) (6), (b) (7)(C) was shut down, as a result of the (b) (6), (b) (7)(C) protest. Additionally, (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) threatened to slow down (b) (6), (b) (7)(C) progress at the site by not providing a project design for as long as three months.

On March 22, 2016, OIG investigators interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) accompanied (b) (6), (b) (7)(C) on an (b) (6), (b) (7)(C) trip occurred approximately seven years ago with a group of individuals, and each person paid for their own meals and (b) (6), (b) (7)(C) fees. (b) (6), (b) (7)(C) did not work on any EPA contracts. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) never asked for anything of financial gain. The trip took place at the same time (b) (6), (b) (7)(C) was performing official oversight duties on an EPA project for which (b) (6), (b) (7)(C) was employed as a consultant for (b) (6), (b) (7)(C).

On August 24, 2016, an OIG investigator interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) never hand carried documents to (b) (6), (b) (7)(C) and was never counseled about hand carrying documents to (b) (6), (b) (7)(C).

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stated in June 2014, (b) (6), (b) (7)(C) moved to the (b) (6), (b) (7)(C) area, which was a self-funded move with no government assistance. (b) (6), (b) (7)(C) employees (b) (6), (b) (7)(C) assisted (b) (6), (b) (7)(C) with (b) (6), (b) (7)(C) move. At the time of the move, (b) (6), (b) (7)(C) was not an EPA contractor. The (b) (6), (b) (7)(C) contract expired one year prior to (b) (6), (b) (7)(C) move to the (b) (6), (b) (7)(C) area.

(b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) often played golf with (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C), while (b) (6), (b) (7)(C) was an EPA contractor. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) never had (b) (6), (b) (7)(C) golf clubs in (b) (6), (b) (7)(C) possession, nor did (b) (6), (b) (7)(C) ever play golf with other subcontractors.

(b) (6), (b) (7)(C) admitted (b) (6), (b) (7)(C) allowed (b) (6), (b) (7)(C) to pay for several of (b) (6), (b) (7)(C) meals. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) dumped personal items in the (b) (6), (b) (7)(C) which is part of the (b) (6), (b) (7)(C) Superfund site. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not have permission from (b) (6), (b) (7)(C) to dump items into the pit.

(b) (6), (b) (7)(C) also stated (b) (6), (b) (7)(C) has taken leftover drain pipes, which were considered waste, from the (b) (6), (b) (7)(C) and loaded them on (b) (6), (b) (7)(C) personal truck over the course of a weekend.

On July 24, 2017, SA (b) (6), (b) (7)(C) provided (b) (6), (b) (7)(C) an EPA, OIG, OI, Report of Investigation (ROI), which included the findings of the EPA, OIG, OI investigation.

On September 18, 2018, SA (b) (6), (b) (7)(C) received an email from (b) (6), (b) (7)(C) stating (b) (6), (b) (7)(C) will serve a 30-day suspension and be reassigned. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) will no longer be allowed to serve as a (b) (6), (b) (7)(C) and will be reassigned as (b) (6), (b) (7)(C) in the (b) (6), (b) (7)(C) program.

On October 1, 2018, SA (b) (6), (b) (7)(C) received an email from (b) (6), (b) (7)(C) with an attachment of the EPA Management Memorandum of Decision to Mitigate Proposed Removal to Suspension. The memo references, on March 13, 2018, (b) (6), (b) (7)(C) proposed to remove (b) (6), (b) (7)(C) from federal service, for conduct unbecoming as a federal employee. (b) (6), (b) (7)(C) was given an opportunity to submit a response. (b) (6), (b) (7)(C) replied and (b) (6), (b) (7)(C) found the charge and multiple specifications identified in the proposal memorandum to be supported by a preponderance of the evidence.

After careful consideration of the information in the administrative record, (b) (6), (b) (7)(C) response, and all of *Douglas* factors, (b) (6), (b) (7)(C) decided to mitigate the proposed removal to a 30-day suspension. The memorandum stated it was decided that (b) (6), (b) (7)(C) removal from federal service was not appropriate at the time of the decision. (b) (6), (b) (7)(C) stated the decision to mitigate the penalty to a 30-day suspension will promote the efficiency of the service. The memorandum from (b) (6), (b) (7)(C) dated August 7, 2018, was signed by (b) (6), (b) (7)(C) as acknowledgment of receipt on the same date.

DISPOSITION:

As a result of the ROI, (b) (6), (b) (7)(C) was suspended for 30-days. On March 29, 2019, SA (b) (6), (b) (7)(C) received an email from (b) (6), (b) (7)(C) containing the screenshots of the timesheets for (b) (6), (b) (7)(C). The timesheets show (b) (6), (b) (7)(C) was on suspension for 80 hours during pay period (b) (6), (b) (7)(C) and 80 hours during pay periods (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) 30-day suspension provided a cost savings of \$8,780, to the EPA.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

1445 Ross Avenue, #1200
Dallas, Texas 75202

DATE: May 13, 2019

CASE #: OI-DA-2018-ADM-0006

PREPARED BY:

Special Agent (b) (6), (b) (7)(C)

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

VIOLATION(S):

5 C.F.R. 2635, Standards of ethical conduct for employees of the executive branch.

ALLEGATION:

On October 13, 2017, Special Agent (SA) (b) (6), (b) (7)(C) Office of Investigations (OI), Office of Inspector General (OIG), United States Environmental Protection Agency (EPA), Dallas, Texas, received EPA-OIG Hotline Complaint Number 2018-0017. The complaint originated from (b) (6), (b) (7)(C) call. On September (b) (6), (b) (7)(C) 2017, received a call and information from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated on September (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) was arrested for carrying a weapon, which was determined to be stolen. (b) (6), (b) (7)(C) was also charged with possession of controlled substance (18.4 grams of marijuana and 18.5 grams of Meth – Ice).

FINDINGS:

A review of the (b) (6), (b) (7)(C) Police Department (b) (6), (b) (7)(C) arrest report disclosed (b) (6), (b) (7)(C) stated to Officer (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) does smoke a little pot and has a record for possession. (b) (6), (b) (7)(C) also stated (b) (6), (b) (7)(C) does currently smoke marijuana and would probably not stop smoking.

On April 12, 2018, OIG investigator interviewed (b) (6), (b) (7)(C) supervisor, (b) (6), (b) (7)(C) to obtain information regarding (b) (6), (b) (7)(C) two arrest in 2017. (b) (6), (b) (7)(C) stated on September (b) (6), (b) (7)(C) 2017, learned of (b) (6), (b) (7)(C) September (b) (6), (b) (7)(C) 2017, arrest when (b) (6), (b) (7)(C) was released from jail and returned to work. (b) (6), (b) (7)(C) was absent from work and did not notify (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was considered absent without leave (AWOL). Upon (b) (6), (b) (7)(C) release and (b) (6), (b) (7)(C) return to work, (b) (6), (b) (7)(C) submitted a leave

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request for (b) (6), (b) (7)(C) the days (b) (6), (b) (7)(C) was in jail. (b) (6), (b) (7)(C) denied the leave request. (b) (6), (b) (7)(C) provided (b) (6), (b) (7)(C) a verbal reprimand for the AWOL.

(b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) stated on September (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) pulled up to (b) (6), (b) (7)(C) house and officers from the (b) (6), (b) (7)(C) Police Department were at (b) (6), (b) (7)(C) house. The officers stated contraband was found in (b) (6), (b) (7)(C) house and (b) (6), (b) (7)(C) was arrested. (b) (6), (b) (7)(C) cell phone was taken. Therefore, (b) (6), (b) (7)(C) did not call (b) (6), (b) (7)(C) to report the absence beforehand.

On (b) (6), (b) (7)(C) 2017 through (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) was also recorded as AWOL. On (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) returned to work and stated (b) (6), (b) (7)(C) was arrested again over the weekend and did not have (b) (6), (b) (7)(C) cell phone to call (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) submitted a leave request for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2017, which (b) (6), (b) (7)(C) denied. (b) (6), (b) (7)(C) did not provide (b) (6), (b) (7)(C) any arrest or court documentation for either of the two arrests. Since it was only days prior (b) (6), (b) (7)(C) verbally reprimanded (b) (6), (b) (7)(C) for previous AWOL, (b) (6), (b) (7)(C) issued (b) (6), (b) (7)(C) a written reprimand for the second AWOL incident.

(b) (6), (b) (7)(C) stated the written reprimand referred (b) (6), (b) (7)(C) to mandatory counseling and assistance through the Employee Assistance Program (EAP). On October 30, 2017, (b) (6), (b) (7)(C) was issued an EAP referral and mandatory drug testing. As a condition of the written reprimand (b) (6), (b) (7)(C) is subject to unannounced follow-up drug testing for a period of one year.

(b) (6), (b) (7)(C) successfully completed three one-hour EAP sessions and on March 14, 2018, a drug test was administered and the outcome of the results were negative.

On April 12, 2018, OIG investigator interviewed (b) (6), (b) (7)(C) to obtain additional information regarding (b) (6), (b) (7)(C) previous two arrests. On September (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) was arrested and charged with Possession of Controlled Substance – Felony 2nd degree and Unlawful Carrying of a Weapon-Misdemeanor by the (b) (6), (b) (7)(C) Police Department. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) cell phone was confiscated. Therefore, (b) (6), (b) (7)(C) did not notify (b) (6), (b) (7)(C), regarding the arrest. (b) (6), (b) (7)(C) missed work on (b) (6), (b) (7)(C) 2017. On (b) (6), (b) (7)(C) September (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) returned to work and submitted leave request for the two days missed and informed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) missed work due to being arrested. During that period, (b) (6), (b) (7)(C) recorded (b) (6), (b) (7)(C) as AWOL. (b) (6), (b) (7)(C) denied the leave request.

(b) (6), (b) (7)(C) stated there are (b) (6), (b) (7)(C) residents at (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) got into a “tiff.” (b) (6), (b) (7)(C) was arrested during a traffic violation, due to an active warrant for arrest. (b) (6), (b) (7)(C) told police (b) (6), (b) (7)(C) sold methamphetamine out of (b) (6), (b) (7)(C) house. Later a warrant was issued and executed at (b) (6), (b) (7)(C) home.

During the warrant (b) (6), (b) (7)(C) was driving back home and noticed police cars and lights flashing in front of (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) approached the police officers and stated (b) (6), (b) (7)(C) was the owner of the home and wanted to know what was going on.

The police officer placed (b) (6), (b) (7)(C) in handcuffs. Approximately 30 minutes later, the police officer raised a paper in (b) (6), (b) (7)(C) face and stated, “You are under arrest for a controlled substance.” (b) (6), (b) (7)(C) stated the police officers were disorganized and nothing was found in (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) stated the police officer found something in a small glass jar and asked (b) (6), (b) (7)(C) what was in the jar. (b) (6), (b) (7)(C) shrugged (b) (6), (b) (7)(C) shoulder and stated (b) (6), (b) (7)(C) did not know what was in the jar. The product turned out to be a bath salt, Sodium Chloride, with a perfume smell. The police officer was about to place (b) (6), (b) (7)(C) in the police vehicle and (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) vehicle was down the street unlocked and (b) (6), (b) (7)(C) wanted to lock

it because (b) (6), (b) (7)(C) had a pistol in the car. The police officer stated, "No, I will lock it." The officer did not lock (b) (6), (b) (7)(C) truck, instead the officer searched the truck and found (b) (6), (b) (7)(C) pistol and searched (b) (6), (b) (7)(C) items in the backseat and found marijuana.

(b) (6), (b) (7)(C) did not give the police officer permission to search (b) (6), (b) (7)(C) truck. The police searched the vehicle and found the pistol, described as a .38 revolver, silver, wooden handle, five shot, Smith and Wesson. (b) (6), (b) (7)(C) stated the gun was previously owned by (b) (6), (b) (7)(C). The pistol was in a satchel bag behind the driver's seat of (b) (6), (b) (7)(C). Marijuana was found among (b) (6), (b) (7)(C) belongings, which was piled up in the back seat. (b) (6), (b) (7)(C) was sitting in the police vehicle and assumed the police officer confiscated the pistol and the marijuana.

On (b) (6), (b) (7)(C) September (b) (6), (b) (7)(C) 2017, at approximately 11:30PM, (b) (6), (b) (7)(C) went before the probable cause judge and the charges of Possession of Controlled Substance and Unlawful Carrying of a Weapon were read to (b) (6), (b) (7)(C). The judge stated (b) (6), (b) (7)(C) was free to go and released early (b) (6), (b) (7)(C) September (b) (6), (b) (7)(C) 2017, from the (b) (6), (b) (7)(C) County Jail.

On (b) (6), (b) (7)(C) September (b) (6), (b) (7)(C) 2017, the police again arrived at (b) (6), (b) (7)(C) home and arrested (b) (6), (b) (7)(C) for the Unlawful Carrying of a Weapon. (b) (6), (b) (7)(C) remained in jail Saturday, Sunday and Monday. (b) (6), (b) (7)(C) went in front of the judge, along with Attorney (b) (6), (b) (7)(C) filled out paperwork, and was released via a personal recognizance bond on approximately (b) (6), (b) (7)(C) October (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) October (b) (6), (b) (7)(C). The next scheduled court appearance for (b) (6), (b) (7)(C) was during (b) (6), (b) (7)(C) November 2017.

(b) (6), (b) (7)(C) was released from jail and the court date was reset for January 2018. The court date was reset again, until February 2018, due to the fact (b) (6), (b) (7)(C) was sick. (b) (6), (b) (7)(C) pled guilty to the Unlawful Carrying of a Weapon. The judge found (b) (6), (b) (7)(C) guilty, gave credit for time served and stated (b) (6), (b) (7)(C) was free to go.

(b) (6), (b) (7)(C) stated although the pistol charge was refilled, (b) (6), (b) (7)(C) was not aware of any drugs being found in (b) (6), (b) (7)(C) house. (b) (6), (b) (7)(C) stated the marijuana found in (b) (6), (b) (7)(C) truck belonged to (b) (6), (b) (7)(C). Since the backseat of (b) (6), (b) (7)(C) pickup truck was full of (b) (6), (b) (7)(C) bags and clothing, (b) (6), (b) (7)(C) has no idea where in the backseat the marijuana was found.

Although (b) (6), (b) (7)(C) was aware one of the residents (b) (6), (b) (7)(C) did drugs in 2010, (b) (6), (b) (7)(C) had no knowledge of (b) (6), (b) (7)(C) doing drugs. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) has not smoked marijuana since 2005.

(b) (6), (b) (7)(C) was placed on probation with the (b) (6), (b) (7)(C) Sheriff's Office. (b) (6), (b) (7)(C) denied there was a smell of marijuana in (b) (6), (b) (7)(C) truck when the police searched it. (b) (6), (b) (7)(C) believe the police officer made up the story of the smell of marijuana to search the vehicle. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was not aware the police report stated crystal meth was found in (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) was not aware the individuals were doing drugs in (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) did not snoop or get involved in (b) (6), (b) (7)(C) business.

On October 30, 2017, (b) (6), (b) (7)(C) received a letter of reprimand, which required (b) (6), (b) (7)(C) to attend mandatory Employee Assistance Program (EAP) counseling and advised (b) (6), (b) (7)(C) of random drug. In February 2018, (b) (6), (b) (7)(C) received a call to take a drug test. There was a problem with the results of the sample. Approximately a week later (b) (6), (b) (7)(C) was retested, and the results were returned as negative.

(b) (6), (b) (7)(C) first EAP session was in December 2017, and no actual guidelines were given to (b) (6), (b) (7)(C) as to how (b) (6), (b) (7)(C) is to attend EAP. (b) (6), (b) (7)(C) has only had one official random drug test.

During the interview OIG agents requested (b) (6), (b) (7)(C) provide court dispositions documents. (b) (6), (b) (7)(C) handed OIG agents a document dated (b) (6), (b) (7)(C) 2018, which (b) (6), (b) (7)(C) stated was issued upon (b) (6), (b) (7)(C) guilty plea of unauthorized possession of a handgun. The document showed court fines and did not

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reflect the guilty plea. (b) (6), (b) (7)(C) stated (b) (6) has not seen the police report and does not have court documentation relating to (b) (6), (b) (7)(C) arrests or dispositions of the case. Therefore, OIG agents requested (b) (6), (b) (7)(C) provide the necessary documents.

On April 27, 2018, (b) (6), (b) (7)(C) emailed OIG agent a "Judgement of Conviction by Court – Waiver of Jury Trial" document issued by the County Criminal Court at (b) (6), (b) (7)(C). The court document stated a Guilty Plea of Carrying Handgun in Motor Vehicle, Class A Misdemeanor. Documents also reflected, on February 27, 2018, the sentence was imposed with a plea bargain for twelve days in (b) (6), (b) (7)(C) County Jail, which (b) (6), (b) (7)(C) received six days credit for time already served upon the arrest.

On April 27, 2018, OIG agent provided (b) (6), (b) (7)(C) a copy of court documents of (b) (6), (b) (7)(C) Guilty Plea of Carrying Handgun in Motor Vehicle. OIG agent also reminded (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) stated in the (b) (6), (b) (7)(C) report (b) (6), (b) (7)(C) does still smoke marijuana and would probably not discontinue smoking. OIG agent also informed (b) (6), (b) (7)(C) criminal record reveals in January 2006, (b) (6), (b) (7)(C) was charged with 4 oz to 5lbs of marijuana, which makes the most recent arrest, the second time (b) (6), (b) (7)(C) has been arrested for marijuana since being employed with the EPA.

On June 1, 2018, (b) (6), (b) (7)(C) received a call from (b) (6), (b) (7)(C) to report to the collection site, (b) (6), (b) (7)(C). On June 4, 2018, the results were reported and on June 12, 2018, the Medical Review Office verified the results and reported (b) (6), (b) (7)(C) tested positive for marijuana.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) positive marijuana test results and (b) (6), (b) (7)(C) has been placed on administrative leave. On June 12, 2018, (b) (6), (b) (7)(C) was placed on administrative leave for at least ten days. During the ten days administrative leave process, EPA senior management will propose to suspend or terminate (b) (6), (b) (7)(C).

On July 27, 2018, OIG investigator received an email from (b) (6), (b) (7)(C) stating on (b) (6), (b) (7)(C) 2018, (b) (6), (b) (7)(C) proposed for (b) (6), (b) (7)(C) removal and (b) (6), (b) (7)(C) was placed on administrative leave (b) (6), (b) (7)(C) stated on (b) (6), (b) (7)(C) 2018, (b) (6), (b) (7)(C) will meet with (b) (6), (b) (7)(C) to provide an oral response to the proposed removal.

On March 26, 2019, OIG investigator received a copy of the proposal removal letter, signed by (b) (6), (b) (7)(C).

DISPOSITION:

As a result of (b) (6), (b) (7)(C) continued use of marijuana and a positive test of marijuana, on (b) (6), (b) (7)(C) 2018, (b) (6), (b) (7)(C) was removed from Federal service. This case is closed.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVE., NW
WASHINGTON, DC 200042

DATE: May 30, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-CAC-0120

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) SES, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	N.A.

VIOLATIONS:

Title 18 U.S. Code § 1001

Statements or entries generally

EPA Order 3120.1, Appendix, Table of Penalties 7

Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful

EPA Order 3120.1, Appendix, Table of Penalties 16

Deliberate misrepresentation, falsification, concealment or withholding of a material fact

ALLEGATION:

On June 2, 2017, Special Agent (SA) (b) (6), (b) (7)(C) U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), Washington Field Office, was given electronic documents pertaining to the security clearance of (b) (6), (b) (7)(C). EPA's Personnel Security Branch (PSB) notified the OIG because multiple omissions on (b) (6), (b) (7)(C) background investigation may have violated 18 U.S. Code § 1001.

FINDINGS:

Subject interviews, email file reviews, and document reviews were conducted. Sufficient evidence was developed to support the allegation that (b) (6), (b) (7)(C) omitted multiple details from (b) (6), (b) (7)(C) background investigation pertaining to disciplinary actions in (b) (6), (b) (7)(C) previous employment.

(b) (6), (b) (7)(C) was interviewed by OI and claimed (b) (6), (b) (7)(C) attempted to provide an explanation in the additional comments portion of the SF-86 concerning the disciplinary action, but (b) (6), (b) (7)(C) additional

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comments did not appear on (b) (6), (b) (7)(C) submitted SF-86. (b) (6), (b) (7)(C) advised (b) (6) attempted to upload supporting notes as a file attachment. (b) (6), (b) (7)(C) did not keep a copy of (b) (6), (b) (7)(C) completed form. (b) (6), (b) (7)(C) claimed to have taken “contemporaneous notes” while completed the form but a forensic analysis indicated the “contemporaneous notes” were prepared 11 days after the electronic submission of (b) (6), (b) (7)(C) SF-86.

(b) (6), (b) (7)(C) admitted to receiving an additional 30-day suspension for conduct unbecoming a federal employee in January 2010. (b) (6), (b) (7)(C) stated (b) (6) did not agree with the discipline. (b) (6), (b) (7)(C) stated (b) (6) was not attempting to conceal it but, rather, (b) (6) wanted to explain it in the additional comments that failed to upload with the submitted SF-86.

DISPOSITION: Supported; Closed

On September 7, 2017, the case was presented to presented to an Assistant United States Attorney for the District of Columbia. The case was declined for prosecution on September 8, 2017. On May 31, 2018, the Report of Investigation (ROI) was delivered to (b) (6), (b) (7)(C) management for appropriate action. On (b) (6), (b) (7)(C) 2018, (b) (6), (b) (7)(C) retired after receiving a written notice of the agency’s decision to separate (b) (6), (b) (7)(C) for failure to maintain a security clearance required by (b) (6), (b) (7)(C) position. The Agency’s final decision was not based solely on the ROI.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004
REFERRAL REPORT OF INVESTIGATION

MAY 24 2018

(b) (6), (b) (7)(C) SES, (b) (6), (b) (7)(C)
OI-HQ-2017-CAC-0120

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Distribution:

(b) (6), (b) (7)(C)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004
With Attachments

(b) (6), (b) (7)(C)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004
Informational Purposes Only –
No Attachments

(b) (6), (b) (7)(C)

With Attachments

Submitted by:

(b) (6), (b) (7)(C)

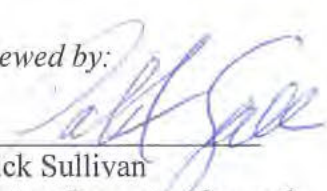
Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:


Patrick Sullivan
Assistant Inspector General
Office of Investigations

Contents of this report and/or its exhibits may contain personally identifiable information (PII), to include sensitive PII (SPII) protected by the Privacy Act, and is subject to the EPA Policy on PII and SPII. As such, please follow the agency's policy on PII and SPII, to include ensuring that this report and exhibits are properly safeguarded.

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2017-CAC-0120 **DATE OPENED:** 06/21/2017
CASE TITLE: (b) (6), (b) (7)(C) SES, **CASE AGENT(s):** (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C)
CASE CATEGORY: Employee Integrity **OFFICE:** Washington Field Office
JOINT AGENCIES: None **JURISDICTION:** District of Columbia

SECTION A - NARRATIVE

Introduction

On June 2, 2017, the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), met with representatives of the EPA's Personnel Security Branch (PSB). PSB notified the OIG of its concern regarding multiple omissions related to the background investigation for (b) (6), (b) (7)(C) that may represent violations of 18 U.S.C. § 1001.

After (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was hired by the EPA on (b) (6), (b) (7)(C) 2011, as a (b) (6), (b) (7)(C) (GS-15) in the (b) (6), (b) (7)(C) That position did not require a security clearance. However, (b) (6), (b) (7)(C) appointment as (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) As part of this process, (b) (6), (b) (7)(C) had to complete and submit Office of Personnel Management (OPM) Standard Form 86 (SF-86), *Questionnaire for National Security Positions*.

Possible Violation(s)

1. 18 U.S.C. § 1001 – False statements.
2. EPA Order 3120.1, Appendix, Table of Penalties 7 – Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful.
3. EPA Order 3120.1, Appendix, Table of Penalties 16 – Deliberate misrepresentation, falsification, concealment or withholding of a material fact.

Synopsis

This investigation developed sufficient evidence to support the allegation (b) (6), (b) (7)(C) omitted multiple details from (b) (6), (b) (7)(C) background investigation pertaining to disciplinary actions in (b) (6), (b) (7)(C) previous employment.

On September 8, 2017, this investigation was declined for criminal prosecution by the United States Attorney's Office, District of Columbia, for possible violations of 18 U.S.C. § 1001, False Statements.

Details

Investigation Disclosed Allegation Supported

Allegation: (b) (6), (b) (7)(C) omitted multiple details from (b) (6), (b) (7)(C) background investigation pertaining to disciplinary actions in (b) (6), (b) (7)(C) previous employment.

Allegation Findings: This investigation revealed evidence supporting the conclusion that (b) (6), (b) (7)(C) omitted several incidents involving disciplinary actions (b) (6), (b) (7)(C) received in (b) (6), (b) (7)(C) previous employment from (b) (6), (b) (7)(C) background investigation.

Allegation Investigative Results:

Prior Disciplinary Actions

Section 13 of (b) (6), (b) (7)(C) SF-86 covered previous federal employment. For all questions pertaining to previous employment on the SF-86, respondents are asked:

For this employment, in the last seven (7) years have you received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as a violation of security policy?

For (b) (6), (b) (7)(C) fourth and fifth previous positions listed, (b) (6), (b) (7)(C) answered "No." However, OI obtained information from an SF-50, *Notification of Personnel Action*, that disclosed that (b) (6), (b) (7)(C) had received a 20-day suspension in April 2009.

During the July 20, 2017, interview (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) attempted to provide an explanation in the additional comments portion of the SF-86 concerning the disciplinary action, but (b) (6), (b) (7)(C) additional comments did not appear on (b) (6), (b) (7)(C) submitted SF-86. (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) had attempted to upload (b) (6), (b) (7)(C) supporting notes describing the disciplinary situation (as a file attachment to (b) (6), (b) (7)(C) SF-86). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not review or keep a PDF copy of (b) (6), (b) (7)(C) completed SF-86 once it had been uploaded. However, (b) (6), (b) (7)(C) was typing (b) (6), (b) (7)(C) responses on a Microsoft Word document and kept "contemporaneous notes" on the Word document about the SF-86. (b) (6), (b) (7)(C) provided the Reporting Agent with a photo of the Word document file properties of (b) (6), (b) (7)(C) contemporaneous notes [Exhibit 1].

The file properties show a Microsoft Office Word document titled "Equip Response 2015," created on December 12, 2015.

The Reporting Agent asked (b) (6), (b) (7)(C) to confirm that the Microsoft Word file titled "Equip Response 2015" was done contemporaneously while completing SF-86, and (b) (6), (b) (7)(C) replied "Yes." The Reporting Agent showed (b) (6), (b) (7)(C) the electronic signature form from SF-86 with the time date stamp and hash values [Exhibit 1]. The Reporting Agent then showed (b) (6), (b) (7)(C) the file properties provided earlier from the "Equip Response 2015" document. The Reporting Agent asked (b) (6), (b) (7)(C) to describe why the date (b) (6), (b) (7)(C) submitted SF-86 was December 1, 2015, but the file properties of the document "Equip Response 2015" showed it was created December 12, 2015. (b) (6), (b) (7)(C) could not explain why (b) (6), (b) (7)(C) typed notes were created 11 days after (b) (6), (b) (7)(C) electronically submitted SF-86.

In an attempt to corroborate (b) (6), (b) (7)(C) assertion that (b) (6), (b) (7)(C) had created a contemporaneous document, OI asked (b) (6), (b) (7)(C) would provide (b) (6), (b) (7)(C) personal computer so that the Word document (b) (6), (b) (7)(C) typed could be used to support (b) (6), (b) (7)(C) claim. (b) (6), (b) (7)(C) initially agreed and coordinated with (b) (6), (b) (7)(C) attorney for OI to examine the computer. On August 16, 2017, (b) (6), (b) (7)(C) agreed to meet with OI at the office of (b) (6), (b) (7)(C) attorney. During the meeting, (b) (6), (b) (7)(C) did not consent to having (b) (6), (b) (7)(C) laptop, USB drive, or a copy of the Microsoft Word file containing (b) (6), (b) (7)(C) "contemporaneous notes" forensically imaged [Exhibit 2].

(b) (6), (b) (7)(C) was interviewed again on November 29, 2017, and during this interview (b) (6), (b) (7)(C) acknowledged receiving an additional 30-day suspension for conduct unbecoming a federal employee in January 2010. OI became aware of this additional suspension from documents and SF-50s provided by the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) did not agree with the discipline (b) (6), (b) (7)(C) further stated (b) (6), (b) (7)(C) was not attempting to conceal it but, rather (b) (6), (b) (7)(C) wanted to explain it in the additional comments that failed to upload with the submitted SF-86.

(b) (6), (b) (7)(C) stated during both interviews that (b) (6), (b) (7)(C) submitted SF-86 while at home. However, OI had confirmed from the submitted copy of (b) (6), (b) (7)(C) SF-86 and the National Background Investigations Bureau that the electronic SF-86 was submitted on December 1, 2015, at 12:47 PM [Exhibit 3]. It was explained to (b) (6), (b) (7)(C) during the interview on November 29, 2017, that (b) (6), (b) (7)(C) time and attendance records showed (b) (6), (b) (7)(C) reporting an 8-hour workday (non-telework) on that date [Exhibit 3]. (b) (6), (b) (7)(C) insisted that (b) (6), (b) (7)(C) submitted the SF-86 at home and not in (b) (6), (b) (7)(C) office and was unable to reconcile the conflict.

After the interview, (b) (6), (b) (7)(C) turned over (b) (6), (b) (7)(C) government-issued laptop to OI for forensic examination [Exhibit 4]. The forensic examination was unable to recover any files related to (b) (6), (b) (7)(C) SF-86 or contemporaneous notes. However, the forensic examination revealed the presence of the program CCleaner on (b) (6), (b) (7)(C) computer, which is used to securely delete files and registry information.

Interview with Office of Personnel Management Background Investigator

As part of the process to complete (b) (6), (b) (7)(C) background investigation, (b) (6), (b) (7)(C) was interviewed by an OPM background investigator. During the interview, (b) (6), (b) (7)(C) described a security-related incident that occurred while (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) email

account was “hacked” and had been receiving threatening and explicit emails (b) (6), (b) (7)(C) attempted to “find the culprits” who were doing this using (b) (6), (b) (7)(C) government-issued computer. However, an investigation by (b) (6), (b) (7)(C) and a computer forensics report concluded that (b) (6), (b) (7)(C) had posted a Craigslist ad soliciting sex and also seeking a sexual encounter with a couple. During the interview with OI in November 2017, (b) (6), (b) (7)(C) did not intend to conceal anything from the OPM investigator. (b) (6), (b) (7)(C) resigned from (b) (6), (b) (7)(C) position on (b) (6), (b) (7)(C) 2011, after receiving a proposal to indefinitely suspend (b) (6), (b) (7)(C) from pay and position on (b) (6), (b) (7)(C) 2011 [Exhibit 3]. (b) (6), (b) (7)(C) was subsequently hired by the EPA on (b) (6), (b) (7)(C) 2011.

Disposition

This Report of Investigation is being issued to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, for administrative remedies or actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
 Title & Company: (b) (6), (b) (7)(C)
 Role: Subject
 Business Address: 1200 Pennsylvania Avenue, NW, Washington, D.C. 20004
 Business Phone: (b) (6), (b) (7)(C)
 EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

On September 8, 2017, this matter was declined for criminal prosecution by the United States Attorney’s Office, District of Columbia. The matter was presented for the violation of 18 U.S.C. § 1001, False Statements.

EXHIBITS

1. MOI- (b) (6), (b) (7)(C) July 20, 2017
2. MOA-Attorney Meeting, August 16, 2017
3. MOI- (b) (6), (b) (7)(C) November 29, 2017
4. MOA-OI Forensic Report



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: JUNE 28, 2019

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2018-ADM-0126

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)

ET AL

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	N/A

VIOLATION(S): Purely Administrative: Employee Misconduct: Sexual assault and inaction by EPA management upon learning of the alleged sexual assault from the victim.

ALLEGATION: This investigation was initiated when the Office of Investigations (OI), Office of Inspector General (OIG), United States Environmental Protection Agency (EPA), Hotline provided the Office of Professional Responsibility (OPR), OI, OIG, EPA, with Hotline Complaint 2018-0343, which set forth allegations of sexual assault by (b) (6), (b) (7)(C)

EPA, as well as inaction by (b) (6), (b) (7)(C) management, upon learning of the alleged sexual assault from the victim.

FINDINGS: Special Agent (SA) (b) (6), (b) (7)(C) Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), EPA, conducted numerous interviews and confirmed that the sexual assault by (b) (6), (b) (7)(C) took place in the (b) (6), (b) (7)(C) office space and in the office's elevator. SA (b) (6), (b) (7)(C) then reviewed time cards and notes from SA (b) (6), (b) (7)(C), OIG, EPA, and conducted numerous interviews and confirmed that the EPA managers in (b) (6), (b) (7)(C) either took no action, or did not act in a sufficient manner, when notified of the sexual assault by the victim.

DISPOSITION: Due to the victim's wishes to not press assault charges against (b) (6), (b) (7)(C) this case was handled in a purely administrative manner. Based upon the aforementioned, there are no remaining investigative steps and this investigation is recommended for closure with no further action. Should new information become available, the EPA-OIG retains the right to re-open the investigation.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

February 19, 2019

MEMORANDUM

SUBJECT:

(b) (6), (b) (7)(C)

Case No. OI-HQ-2018-ADM-0126

FROM:

(b) (6), (b) (7)(C)

Acting/Assistant Inspector General
Office of Investigations

TO:

(b) (6), (b) (7)(C)

U.S. Environmental Protection Agency

RESTRICTED INFORMATION

Attached is a copy of our Report of Investigation on the above-captioned subject. The U.S. Environmental Protection Agency (EPA), Office of Inspector General initiated this investigation based on information received regarding allegations of employee misconduct, specifically sexual assault, and the improper handling of the resulting EPA Order 4711 inquiry.

The enclosed Report of Investigation details four allegations that were investigated by the OIG. All four were found to be supported.

My office is taking no further investigatory action in this matter; however, in order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 60 days of receipt of this report of investigation, the administrative action taken or proposed by you in this matter, if any. This report of investigation is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return this report after your review of this matter is completed.

A copy of this transmittal and the report are also being sent to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Office of General Counsel. It is highly recommended that you confer with General Counsel to ensure that any penalty imposed is appropriate and equitable. It is also recommended that you contact the Office of Human Resources for any necessary guidance about personnel regulations.

Should you have any questions, particularly regarding the investigative report, you are encouraged to contact me at (202) 566-(b) (6), (b) (7)(C) or Special Agent (b) (6), (b) (7)(C) at (202) (b) (6), (b) (7)(C)

Attachment:

EPA-OIG Report of Investigation with Exhibits



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004
REFERRAL REPORT OF INVESTIGATION

(b) (6), (b) (7)(C)

OI-HQ-2018-ADM-0126

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Distribution:

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(b) (6), (b) (7)(C)

EPA Office of General Counsel

Submitted by:

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:

(b) (6), (b) (7)(C)

Acting Assistant Inspector General
Office of Investigations

Contents of this report and/or its exhibits may contain personally identifiable information (PII), to include sensitive PII (SPII) protected by the Privacy Act, and is subject to the EPA Policy on PII and SPII. As such, please follow the agency's policy on PII and SPII, to include ensuring that this report and exhibits are properly safeguarded.

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.:	OI-HQ-2018-ADM-0126	DATE OPENED:	08/15/2018
CASE TITLE:	(b) (6), (b) (7)(C) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] ET AL.	CASE AGENT(s):	(b) (6), (b) (7)(C)
CASE CATEGORY:	EMPLOYEE MISCONDUCT AND HARASSMENT	OFFICE:	OFFICE OF PROFESSIONAL RESPONSIBILITY
JOINT AGENCIES:	NONE	JURISDICTION:	BOSTON, MASSACHUSETTS

SECTION A - NARRATIVE

Introduction

On August 10, 2018, the hotline of the Office of Inspector General (OIG) for the U.S. Environmental Protection Agency (EPA) provided the Office of Professional Responsibility (OPR), with hotline complaint 2018-0343. The complaint alleged a sexual assault by (b) (6), (b) (7)(C)

[REDACTED] The complaint also alleged the failure by EPA (b) (6), (b) (7)(C) managers and human resources (HR) staff, and the EPA's Office of Administration and Resources Management (OARM)¹ [Exhibit 1], to properly respond to the alleged sexual assault pursuant to EPA Order 4711.

Based on the foregoing information, as well as additional information independently obtained during the investigation, the OIG identified and investigated four allegations:

1. On (b) (6), (b) (7)(C) 2018, during a casual interaction in EPA (b) (6), (b) (7)(C) office space, (b) (6), (b) (7)(C) with one other EPA employee present, made a comment to (b) (6), (b) (7)(C) [REDACTED] requesting to have sex with (b) (6), (b) (7)(C) After the casual interaction, (b) (6), (b) (7)(C) followed (b) (6), (b) (7)(C) onto an elevator and, without (b) (6), (b) (7)(C) consent, kissed (b) (6), (b) (7)(C)

¹ EPA Order 4711: *Procedure for Addressing Allegations of Workplace Harassment*.

2. (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) verbal allegation of harassment and assault on (b) (6), (b) (7)(C) 2018, but took no action.
3. EPA management (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) verbal and written allegation of harassment and assault on (b) (6), (b) (7)(C) 2018, but took no action until May 31, 2018, which is when EPA management notified EPA Human Resources.
4. EPA management notified (b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) allegation of harassment and assault on May 31, 2018. (b) (6), (b) (7)(C) took no action until June 27, 2018, which is when EPA (b) (6), (b) (7)(C) HR contacted (b) (6), (b) (7)(C) to conduct an interview about the incident. HR conducted a telephone interview with (b) (6), (b) (7)(C) on July 10, 2018.²

Possible Violation(s)

1. (b) (6), (b) (7)(C) Indecent Assault and Battery on Persons Over 14.
2. EPA Order 4711: *Procedure for Addressing Allegations of Workplace Harassment*.

Impact/Dollar Loss

The non-adherence to governmentwide regulations and EPA policy could diminish the public trust, the integrity of the office, and ultimately program functionality, along with diminished trust in the EPA's ability to provide a safe workspace.

Synopsis

Based on information obtained during the investigation, allegations (1), (2), (3) and (4) are supported.

Details

Investigation Disclosed Allegations Supported

Allegation 1: On (b) (6), (b) (7)(C) 2018, during a casual interaction in EPA (b) (6), (b) (7)(C) office space, (b) (6), (b) (7)(C) with one other EPA employee present, made a comment to (b) (6), (b) (7)(C) requesting to have sex with (b) (6), (b) (7)(C). After the casual interaction, (b) (6), (b) (7)(C) followed (b) (6), (b) (7)(C) onto an elevator and, without (b) (6), (b) (7)(C) consent, kissed (b) (6), (b) (7)(C).

Allegation 1 Finding: There is sufficient evidence to support a finding that (b) (6), (b) (7)(C) made a comment during a casual interaction to (b) (6), (b) (7)(C) requesting to have sex (b) (6), (b) (7)(C) and, after the meeting, without consent, kissed (b) (6), (b) (7)(C) in an EPA (b) (6), (b) (7)(C) office elevator.

² (b) (6), (b) (7)(C) retired on (b) (6), (b) (7)(C) 2018.

Allegation 1 Investigative Results:

On August 15, 2018, during an interview with OIG Special Agents, (b) (6), (b) (7)(C) stated that while (b) (6), (b) (7)(C) was having a discussion with (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) approached them and stated to (b) (6), (b) (7)(C): "I don't care about ethics anymore. (b) (6), (b) (7)(C) want to have sex?" (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was embarrassed and tried to downplay the situation and extricate (b) (6), (b) (7)(C) from the conversation. (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) followed (b) (6), (b) (7)(C) onto the elevator and attempted to further engage (b) (6), (b) (7)(C) in conversation, stating to (b) (6), (b) (7)(C): "(b) (6), (b) (7)(C) have you ever had sex in an elevator?" (b) (6), (b) (7)(C) proceeded to kiss (b) (6), (b) (7)(C) without consent [Exhibit 2].

On July 10, 2018, (b) (6), (b) (7)(C) telephonically interviewed (b) (6), (b) (7)(C) concerning (b) (6), (b) (7)(C), 2018, interaction with (b) (6), (b) (7)(C) memorialized interview includes the following: (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) 'fucked up big time.' (b) (6), (b) (7)(C) had no memory of (b) (6), (b) (7)(C) prior to getting in the elevator with (b) (6), (b) (7)(C) and:

(b) (6), (b) (7)(C) said that while in the elevator with (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) something about being fucked in an elevator. (b) (6), (b) (7)(C) felt (b) (6), (b) (7)(C) was joking around with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) responded in a way that seemed normal to (b) (6), (b) (7)(C) kissed (b) (6), (b) (7)(C) on the cheek. (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) 'kind of invited it. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) viewed the kiss as a 'good-bye kiss. (b) (6), (b) (7)(C) was going around hugging people and saying good-bye and was feeling very emotional.

(b) (6), (b) (7)(C) was acting crazy and out of character." (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) feels badly about what happened and (b) (6), (b) (7)(C) respects women." (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) really 'was a shit' but (b) (6), (b) (7)(C) respects women." [Exhibit 3].

On August 15, 2018, during an interview with OIG Special Agents, (b) (6), (b) (7)(C) stated that during (b) (6), (b) (7)(C) own interview of (b) (6), (b) (7)(C), which (b) (6), (b) (7)(C) conducted per an EPA Order 4711 inquiry, (b) (6), (b) (7)(C) admitted to making a verbal request for sex to (b) (6), (b) (7)(C) during a casual conversation in EPA (b) (6), (b) (7)(C) office space and admitted to kissing (b) (6), (b) (7)(C) in the elevator. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) explained that the kiss in the elevator was a "kiss between two long-time colleagues." [Exhibit 4]

On August 16, 2018, during an interview with OIG Special Agents, (b) (6), (b) (7)(C) was asked whether (b) (6), (b) (7)(C) witnessed (b) (6), (b) (7)(C) requesting sex from (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did witness (b) (6), (b) (7)(C) making the request, which was during a casual interaction inside EPA (b) (6), (b) (7)(C) office space. (b) (6), (b) (7)(C) recalled that (b) (6), (b) (7)(C) "said something to the effect of (b) (6), (b) (7)(C), want to have sex?" (b) (6), (b) (7)(C) added that in response to (b) (6), (b) (7)(C) comment, (b) (6), (b) (7)(C) [Exhibit 5]

On August 15, 2018, during an interview with OIG Agents, (b) (6), (b) (7)(C) was asked to explain (b) (6), (b) (7)(C) understanding of the (b) (6), (b) (7)(C) incident and what (b) (6), (b) (7)(C) witnessed. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) walked by where (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were all standing, after (b) (6), (b) (7)(C) heard laughing coming from their direction. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) statement had already been made prior to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C). OIG Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) was aware of what (b) (6), (b) (7)(C) allegedly said to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) what (b) (6), (b) (7)(C) said. Specifically, (b) (6), (b) (7)(C) had made a comment to (b) (6), (b) (7)(C) asking (b) (6), (b) (7)(C) to have sex. [Exhibit 6].

Allegation 2: (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) verbal allegation of harassment and assault on (b) (6), (b) (7)(C) 2018, but took no action.

Allegation 2 Findings: There is sufficient evidence to support a finding that upon notification of the incident between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) took no action to address the matter.

Allegation 2 Investigative Results:

On August 16, 2018, during a telephonic interview with OIG Special Agents, (b) (6), (b) (7)(C) made the following statements:

- OIG Special Agents asked (b) (6), (b) (7)(C) when (b) (6), (b) (7)(C) was notified of the incident between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) stated that the day of the incident [(b) (6), (b) (7)(C) 2018], (b) (6), (b) (7)(C) brought this to (b) (6), (b) (7)(C) attention, and that they had a direct discussion regarding the (b) (6), (b) (7)(C) incident. (b) (6), (b) (7)(C) stated that at the time, (b) (6), (b) (7)(C) was not told about, and (b) (6), (b) (7)(C) was not aware of, the interaction between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) in the elevator. (b) (6), (b) (7)(C) continued by stating that (b) (6), (b) (7)(C) was reporting the incident, but (b) (6), (b) (7)(C) thought (b) (6), (b) (7)(C) felt it was just a joke. (b) (6), (b) (7)(C) recalled that (b) (6), (b) (7)(C) stated to (b) (6), (b) (7)(C) been friends with (b) (6), (b) (7)(C) for a long time,” and that (b) (6), (b) (7)(C) did not want me (b) (6), (b) (7)(C) to report (b) (6), (b) (7)(C) added that “in hindsight I (b) (6), (b) (7)(C) should’ve reported this...maybe even to the police, but again, in my view, (b) (6), (b) (7)(C) wasn’t reporting this as harassment” [Exhibit 7].
- OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) was aware of the requirement under EPA Order 4711 to report an incident of alleged harassment to the aggressor’s management, and whether (b) (6), (b) (7)(C) management was notified of the incident. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) supervisor was (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was not aware whether any attempt was made to contact (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) did not make any attempt (b) (6), (b) (7)(C). OIG Special Agents asked whether (b) (6), (b) (7)(C) followed up with any of the managers (b) (6), (b) (7)(C) regarding their actions as they pertain to this incident. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not conduct any follow-up (b) (6), (b) (7)(C) regarding the (b) (6), (b) (7)(C) matter [Exhibit 7].
- OIG Special Agents asked (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated: “I can’t remember how HR was notified (b) (6), (b) (7)(C) OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) was aware that HR notification was a requirement. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was aware that this was a requirement, but that while (b) (6), (b) (7)(C) did not think (b) (6), (b) (7)(C) comment was appropriate, (b) (6), (b) (7)(C) thought it was nothing more than a joke. (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) specifically stayed away from (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) regarding this issue, because (b) (6), (b) (7)(C) thought they were talking with HR about the matter. (b) (6), (b) (7)(C) continued stating that (b) (6), (b) (7)(C) not real sure (b) (6), (b) (7)(C) actions in addressing the (b) (6), (b) (7)(C) matter. OIG Special

Agents asked (b) (6), (b) (7)(C) whether (b) (6) believes such a hands-off approach is appropriate. (b) (6), (b) (7)(C) stated that (b) (6) believes (b) (6), (b) (7)(C) actions, or lack thereof, are appropriate [Exhibit 7].

- OIG Special Agents asked (b) (6), (b) (7)(C) whether any of (b) (6), (b) (7)(C) notified the OIG. (b) (6), (b) (7)(C) stated that (b) (6) is not aware whether anyone (b) (6), (b) (7)(C) notified the OIG [Exhibit 7].
- (b) (6), (b) (7)(C) commented to agents that (b) (6) believes some policies, like the ones regarding “bullying,” are repetitive and unclear. OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) has participated in any training regarding harassment. (b) (6), (b) (7)(C) stated (b) (6) has taken the agencywide, online training in the past. OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) had taken the follow-up training required for regional employees (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated: “I (b) (6), (b) (7)(C) did not attend that training.” [Exhibit 7]

Allegation 3: EPA management (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) verbal and written allegation of harassment and assault on (b) (6), (b) (7)(C) 2018, but took no action until May 31, 2018, which is when EPA management notified EPA Human Resources.

Allegation 3 Findings: There is sufficient evidence to support a finding that upon notification of the incident between (b) (6), (b) (7)(C) EPA (b) (6), (b) (7)(C) managers initially took no action to address the matter until May 31, 2018. Specifically, EPA (b) (6), (b) (7)(C) managers did not notify EPA Human Resources until May 31, 2018.

Allegation 3 Investigative Results:

On August 16, 2018, during an interview with OIG Special Agents (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) made the following statements:

- OIG Special Agents asked (b) (6), (b) (7)(C) to explain (b) (6), (b) (7)(C) understanding of the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) incident. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was not present when (b) (6), (b) (7)(C) made (b) (6), (b) (7)(C) comments. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) came to (b) (6), (b) (7)(C) that day (b) (6), (b) (7)(C) 2018], almost immediately after the incident to relay what happened [Exhibit 8].
- OIG Special Agents asked (b) (6), (b) (7)(C) to explain (b) (6), (b) (7)(C) understanding of the duty of management to notify HR of allegations of harassment. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) and other EPA (b) (6), (b) (7)(C) employees have received additional harassment training since this incident, and (b) (6), (b) (7)(C) now knows that it is (b) (6), (b) (7)(C) duty (b) (6), (b) (7)(C) to report to HR all allegations of harassment. OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) knew of the duty to notify HR at the time of the incident. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) “admits it was a mistake to listen to the employee’s wishes to not report the incident.” (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) now knows to report to HR all allegations of harassment, regardless of the employee’s wishes [Exhibit 8].
- OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) had heard of any interaction between (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) which may have taken place in an elevator. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not report the elevator incident to (b) (6), (b) (7)(C) at this time, but that (b) (6), (b) (7)(C) later heard details of the incident. (b) (6), (b) (7)(C) added that it wasn’t until “later in the week,” when it became apparent that (b) (6), (b) (7)(C) was upset by (b) (6), (b) (7)(C) actions and comments, that

(b) (6), (b) (7)(C) decided that the incident needed to be reported. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) then elevated the situation to HR [Exhibit 8].

- OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) contacted the aggressor's (b) (6), (b) (7)(C) management, as per guidance set forth in EPA Order 4711. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not contact (b) (6), (b) (7)(C) management because (b) (6), (b) (7)(C) was retiring" [Exhibit 8].

On August 16, 2018, during a telephonic interview with OIG Special Agents, (b) (6), (b) (7)(C) made the following statements:

- OIG Special Agents asked (b) (6), (b) (7)(C) to explain (b) (6), (b) (7)(C) involvement with the (b) (6), (b) (7)(C) situation. (b) (6), (b) (7)(C) explained that during the time of the incident, (b) (6), (b) (7)(C) was in a work-related meeting when (b) (6), (b) (7)(C) began to receive text messages from (b) (6), (b) (7)(C) regarding the (b) (6), (b) (7)(C) 2018 incident. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) excused (b) (6), (b) (7)(C) from the meeting and called (b) (6), (b) (7)(C) back and was briefed by (b) (6), (b) (7)(C) on the incident. (b) (6), (b) (7)(C) reported that during this briefing, (b) (6), (b) (7)(C) mentioned the comment and kiss in the elevator [Exhibit 9].
- OIG Special Agents asked (b) (6), (b) (7)(C) how familiar (b) (6), (b) (7)(C) was with EPA Order 4711 at the time of the incident and how familiar (b) (6), (b) (7)(C) feels (b) (6), (b) (7)(C) is now. (b) (6), (b) (7)(C) answered that at the time of the incident, (b) (6), (b) (7)(C) was only "slightly familiar," but (b) (6), (b) (7)(C) has since received additional training and has a better grasp of the order. OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) was aware of the requirement to notify (b) (6), (b) (7)(C) management. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was not aware of that requirement and did not notify (b) (6), (b) (7)(C) management [Exhibit 9].
- OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) was aware of the requirement to notify HR immediately, regardless of the alleged victim's desire to not elevate the matter. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not "notify HR initially" and (b) (6), (b) (7)(C) was not aware of this requirement [Exhibit 9].
- OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) was aware of the requirement to immediately notify the OIG in instances of alleged EPA Order 4711 violations. (b) (6), (b) (7)(C) admitted that (b) (6), (b) (7)(C) was unaware of the requirement to notify the OIG and made no attempt to notify the OIG [Exhibit 9].
- On August 16, 2018, during an interview with OIG Special Agents, (b) (6), (b) (7)(C) was asked how human resources became involved in the (b) (6), (b) (7)(C) matter. (b) (6), (b) (7)(C) responded that (b) (6), (b) (7)(C) became aware of the matter from (b) (6), (b) (7)(C) on May 31, 2018 [Exhibit 4].

Allegation 4: EPA management (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) allegation of harassment and assault on May 31, 2018. (b) (6), (b) (7)(C) took no action until June 27, 2018, which is when EPA (b) (6), (b) (7)(C) HR contacted (b) (6), (b) (7)(C) to conduct an interview about the incident. HR conducted a telephone interview with (b) (6), (b) (7)(C) on July 10, 2018.

Allegation 4 Findings: There is sufficient evidence to support a finding that upon notification of the incident between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), EPA (b) (6), (b) (7)(C) HR took no action to address the matter until June 27, 2018.

Allegation 4 Investigative Results:

On August 16, 2018, during an interview with OIG Special Agents (b) (6), (b) (7)(C) reported to agents that (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) about the (b) (6), (b) (7)(C) matter on May 31, 2018, which is when (b) (6), (b) (7)(C) became involved in the matter. (b) (6), (b) (7)(C) was asked a series of questions and made the following statements concerning (b) (6), (b) (7)(C) actions as a (b) (6), (b) (7)(C), which resulted in an EPA Order 4711: *Procedure for Addressing Allegation of Workplace Harassment* inquiry into the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) matter:

- OIG Special Agents asked (b) (6), (b) (7)(C) exactly when (b) (6), (b) (7)(C) was contacted by HR. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) on June 27, 2018. (b) (6), (b) (7)(C) offered that this was the first day that (b) (6), (b) (7)(C) was available to be interviewed. OIG Special Agents showed (b) (6), (b) (7)(C) People Plus Records and a note [Exhibit 10] from Special Agent (b) (6), (b) (7)(C) Office of Investigations, OIG, EPA, detailing (b) (6), (b) (7)(C) work activities and availability during the period of May 23, 2018, through June 27, 2018. OIG Special Agents went through each day with (b) (6), (b) (7)(C) and identified (b) (6), (b) (7)(C) days that (b) (6), (b) (7)(C) was in the office between May 31, 2018, when HR was notified of the incident, and June 27, 2018, when HR spoke to (b) (6), (b) (7)(C) [Exhibit 4].
- OIG Special Agents showed (b) (6), (b) (7)(C) EPA Order 4711, specifically Section V(B) which mentions the duty of HR to notify the alleged aggressor's management of an incident and to coordinate with management on the EPA Order 4711 process. OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C), or anyone in (b) (6), (b) (7)(C) HR ever contacted (b) (6), (b) (7)(C) management. (b) (6), (b) (7)(C) stated "no." HR made no notification of the incident to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) management (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) felt that since (b) (6), (b) (7)(C) had retired, and "was out of the building," there was no need to inform (b) (6), (b) (7)(C) managers [Exhibit 4].
- OIG Special Agents showed (b) (6), (b) (7)(C) EPA Order 4711, specifically the Note to Section V(B)(3)(a), and Section V(B)(3)(b)(4), which directs HR to immediately notify the OIG of allegations pertaining to violence or potentially criminal conduct. OIG Special Agents asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) or anyone in HR, ever reached out to the OIG. (b) (6), (b) (7)(C) answered "no," no one in HR ever reached out to the OIG. (b) (6), (b) (7)(C) added that during (b) (6), (b) (7)(C) interview with (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) had reached out to the OIG. As such, (b) (6), (b) (7)(C) explained that because (b) (6), (b) (7)(C) had retired, the immediacy had been removed. Therefore, (b) (6), (b) (7)(C) did not feel that (b) (6), (b) (7)(C) had to speak with the OIG [Exhibit 4].
- On October 30, 2018, OIG Special Agents requested a copy of the Memorandum of Interview (MOI) that (b) (6), (b) (7)(C) HR officials wrote regarding the HR subject interview with (b) (6), (b) (7)(C). The MOI shows that (b) (6), (b) (7)(C) was interviewed on July 10, 2018 [Exhibit 3].

Disposition

This Report of Investigation is being referred to (b) (6), (b) (7)(C) for any administrative remedies or actions as deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
Role: Subject
Business Address: (b) (6), (b) (7)(C)
Business Phone: None
EPA Employee: Retired

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) EPA
Role: Subject
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C), EPA
Role: Subject
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C), EPA
Role: Subject
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) EPA
Role: Subject
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
 EPA
Role: Witness
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
 EPA
Role: Witness
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

On June 29, 2018, the OIG's Office of Investigations reported this incident to the U.S. Federal Protective Service (FPS). However, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not want to file an assault charge against (b) (6), (b) (7)(C). In light of (b) (6), (b) (7)(C) wishes not to file a charge, the FPS declined to open a case or file an assault charge. During the (b) (6), (b) (7)(C) interview, OIG Special Agents confirmed (b) (6), (b) (7)(C) wishes not to file an assault charge. Therefore, the case was handled in a purely administrative manner.

EXHIBITS

EXHIBIT	DESCRIPTION
1.	EPA OIG Hotline Referral – 2018-0343, dated August 10, 2018
2.	Memorandum of Interview – (b) (6), (b) (7)(C) , dated August 15, 2018
3.	HR Memorandum of Interview – (b) (6), (b) (7)(C) , dated July 10, 2018
4.	Memorandum of Interview – (b) (6), (b) (7)(C) , dated August 15-16, 2018
5.	Memorandum of Interview – (b) (6), (b) (7)(C) , dated August 16, 2018
6.	Memorandum of Interview – (b) (6), (b) (7)(C) , dated August 15, 2018
7.	Memorandum of Interview – (b) (6), (b) (7)(C) , dated August 16, 2018
8.	Memorandum of Interview – (b) (6), (b) (7)(C) , dated August 16, 2018
9.	Memorandum of Interview – (b) (6), (b) (7)(C) , dated August 16, 2018
10.	PPL Plus Records and OIG Special Agent (b) (6), (b) (7)(C) Note



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2018-CCR-0090

CROSS REFERENCE #:

TITLE: ALLEGED SPOOFING/PHISHING ATTACK AGAINST EPA NETWORK

CASE CLOSING REPORT
OTHER

NARRATIVE:

On Friday, April 20, 2018, Special Agent (SA) (b) (6), (b) (7)(C) Office of Inspector General (OIG), Office of Investigation (OI), Electronic Crimes Division (ECD) received a hotline complaint alleging an attempted phishing attack against EPA networks. Specifically, an email was sent to multiple EPA users from what appeared to be a legitimate business source. However, the organization from which the email appeared to originate, had been compromised, thus infecting the end user's computer who accessed the email.

On April 26, 2018, ECD received a status update which explained the vulnerability and remediation process. Specifically, a vulnerability within Office365 suite existed which allowed Simple Mail Transfer Protocol (SMTP) style fax system emails to be sent out as scanned fax or listserv. The received email appears authenticated but is not Multi-Factor Authentication (MFA) compliant. At the time of the incident, the pathway was shutdown. Subsequently, Microsoft remediated the Office 365 vulnerability.

This case is being closed with no further action.

CASE:
OI-HQ-2018-CCR-0090

DATE OF ACTIVITY:

DRAFTED DATE:
August 19, 2019

AGENT(S):
SA (b) (6), (b) (7)(C)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE NW
WASHINGTON, DC 20004

DATE: September 26, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2018-CFD-0064

CROSS REFERENCE

TITLE: (b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	

POTENTIAL VIOLATION: 18 U.S.C § 208 – Acts Affecting Personal Financial Interest

ALLEGATION: On March 7, 2018, the Washington Field Office (WFO), Office of Investigation (OI), Office of Inspector General (OIG), Environmental Protection Agency (EPA), initiated an investigation concerning an allegation that (b) (6), (b) (7)(C) “steered” a contract to a business partner in relation to a (b) (6), (b) (7)(C) conducted in the EPA Administrator’s office.

This investigation was conducted jointly with the Federal Bureau of Investigations (FBI).

FINDINGS: After completing all logical investigative steps, the United States Attorney’s Office for the District of Columbia (USAO-DC) determined that the conduct in question did not (b) (5)

DISPOSITION: Since this investigation did not uncover information that would support prosecutorial action by the United States Attorney’s office and (b) (6), (b) (7)(C) is no longer an EPA employee, no further investigative action is warranted. This investigation is hereby closed.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: MAY 6, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-RTP-2017-CAC-0047

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

VIOLATION(S): 18 U.S.C. Section 1030(a)(2)(B) - Fraud and related activity in connection with computers.

ALLEGATION: (b) (6), (b) (7)(C)

attempted to intentionally access an EPA computer without authorization by inserting a keylogger device into the computer's keyboard.

FINDINGS: On December 16, 2016, EPA OIG Special Agent (SA) (b) (6), (b) (7)(C) received an email from (b) (6), (b) (7)(C), EPA Computer Security Incident Response Capability (CSIRC) (b) (6), (b) (7)(C) reported that a USB keylogger had been found on the keyboard of (b) (6), (b) (7)(C) EPA, Research Triangle Park (RTP), North Carolina. CSIRC seized the keylogger and (b) (6), (b) (7)(C) EPA assigned computer. CSIRC conducted a preliminary basic analysis of the keylogger (b) (7)(E)

The potential username was (b) (6), (b) (7)(C). This username did not match any listed in the EPA Active Directory. However, (b) (6), (b) (7)(C) was identified as a (b) (6), (b) (7)(C).

CSIRC did a "sweep" of laptops in the (b) (6), (b) (7)(C) to see if any other keylogger-type devices were located. The sweep was negative. Custody of the seized equipment was transferred to the OIG.

On April 12, 2017, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) regarding the keylogger device. (b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C) reviewed the username and password from the file.

(b) (6), (b) (7)(C) identified the password as one (b) (6), (b) (7)(C) previously used. However, (b) (6), (b) (7)(C) noted the user ID was

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not (b) (6), (b) (7)(C) identified (b) (6), (b) (7)(C) user ID as (b) (6), (b) (7)(C). As previously noted, the keys.txt file identified the username (b) (6), (b) (7)(C).

EPA OIG determined the keylogger had been sold by a company named Liquid Audio. On April 24, 2017, Liquid Audio sent an email to SA (b) (6), (b) (7)(C) which identified the sale of a keylogger device on December 8, 2016, to (b) (6), (b) (7)(C), Durham, North Carolina.

EPA OIG identified (b) (6), (b) (7)(C) as a (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) assigned to (b) (6), (b) (7)(C) in RTP. Computer forensics of (b) (6), (b) (7)(C) EPA laptop showed that in December 2016 the keylogger was inserted (b) (6), (b) (7)(C), (b) (7)(E)

Further investigation revealed that (b) (6), (b) (7)(C) had refused to provide the (b) (6), (b) (7)(C) for the EPA, which was in violation of (b) (6), (b) (7)(C) contract with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was on an (b) (6), (b) (7)(C) through the (b) (6), (b) (7)(C). The (b) (6), (b) (7)(C) contract stated that (b) (6), (b) (7)(C) must provide all software to the agency to which (b) (6), (b) (7)(C) was assigned. (b) (6), (b) (7)(C) refusal to provide (b) (6), (b) (7)(C) to the EPA was not considered a criminal matter. The U.S. Attorney's Office, Middle District of NC (MDNC) Civil Division declined pursuit of this part of the case as a civil matter, in lieu of possible administrative actions by the EPA or DoE. Since all evidence pointed to (b) (6), (b) (7)(C) as the person responsible for placing the keylogger on (b) (6), (b) (7)(C) laptop, the MDNC Criminal Division declined actions against (b) (6), (b) (7)(C), but accepted the case against (b) (6), (b) (7)(C).

On July 6, 2017, EPA OIG and the FBI interviewed (b) (6), (b) (7)(C) regarding the keylogger. (b) (6), (b) (7)(C) denied all allegations and was uncooperative. Following the interview, (b) (6), (b) (7)(C) was escorted from the EPA facility. (b) (6), (b) (7)(C) EPA badge and EPA vehicle hang tag were seized, and (b) (6), (b) (7)(C) EPA computer network access was blocked. The EPA issued a Bar Notice to (b) (6), (b) (7)(C) on the same day to prevent (b) (6), (b) (7)(C) access to EPA facilities.

DISPOSITION: (b) (6), (b) (7)(C) was originally believed to be the subject of this investigation. However, it was later determined that (b) (6), (b) (7)(C) was not involved in the placement of the keylogger on (b) (6), (b) (7)(C) laptop. The allegation regarding (b) (6), (b) (7)(C) was *Not Supported*.

On February 13, 2018, a target letter was sent to (b) (6), (b) (7)(C). On July 24, 2018, (b) (6), (b) (7)(C) pled guilty to one count of violation of 18 U.S.C. Section 1030(a)(2)(B) - Fraud and related activity in connection with computers. On October 29, 2018, U.S. Magistrate Judge L. Patrick Auld sentenced (b) (6), (b) (7)(C) to 2 years of probation, a \$5,000 fine, and a special assessment of \$25.

On May 2, 2019, (b) (6), (b) (7)(C), EPA (b) (6), (b) (7)(C), debarred (b) (6), (b) (7)(C) from participation in Federal procurement and non-procurement programs for a period of three years. The debarment will terminate on May 1, 2022.

Case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 Hawthorne Street, 8th Floor
San Francisco, CA 94105

DATE: September 11, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-SA-2017-OTH-0129

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

VIOLATIONS:

5 C.F.R. § 2635.101(b)(13) Standards of Ethical Conduct for Employees of the Executive Branch, Basic Obligation of Public Service
29 C.F.R. § 1606.8 Harassment
29 C.F.R. § 1604.11 Sexual Harassment
46 USC § 2000e-16 Employment by Federal Government (Civil Rights Act of 1964, Pub. L. 88-352, Title VII, section 717 (as amended))

ALLEGATION: (b) (6), (b) (7)(C) EPA,
alleged (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) behaved inappropriately and unprofessionally towards (b) (6), (b) (7)(C) on multiple occasions between October 2016, and June 2017. Specifically, (b) (6), (b) (7)(C) alleged (b) (6), (b) (7)(C) responded unprofessionally when (b) (6), (b) (7)(C) declined (b) (6), (b) (7)(C) invitation to discuss work matters over drinks, made offensive and unwelcomed comments regarding (b) (6), (b) (7)(C) and took embarrassing photos of (b) (6), (b) (7)(C) during work events.

FINDINGS: This investigation was led by U.S. Navy OIG, with EPA OIG providing assistance. The findings of this investigation are that of the U.S. Navy OIG and reported as such.

Following interviews of (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) co-workers, and security guards present during some of the incidents, the allegations were found to be not supported. It was determined by the U.S. Navy OIG that, US Navy OIG Report text - not EPA-OIG record

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DISPOSITION: U.S. Navy OIG recommended, US Navy OIG Report text - not EPA-OIG record

[REDACTED]” The matter was to be referred to the Undersecretary of the Navy for review and potential action. Any decision made from this recommendation cannot be provided to the EPA or EPA OIG.

All criminal and administrative remedies have been addressed and no further investigative activity is warranted. This case is closed.

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